IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

WEDNESDAY, THE 24TH OCTOBER 2007 / 2ND KARTHIKA 1929

Bail Appl..No. 6478 of 2007()

(IN CRIME NO. 295/2007 AROOR POLICE STATION)

PETITIONERS/ACCUSED:

1. RATHEESH, S/O. BHASKARAN,
   AGED 23 YEARS, VALAVANTHARA, CHANDIROOR P.O.,
   CHERTHALA, ALAPPUZHA DISTRICT.

2. THAJUDEEN @ THAJU, S/O. MOIDEEN KUTTY,
   AGED 18 YEARS, RESIDING AT PATTARUVEETTIL,
   CHANDIROOR P.O., CHERTHALA, ALAPPUZHA DISTRICT.

BY ADV. SRI.T.MADHU

RESPONDENTS: COMPLAINANT:

1. THE STATION HOUSE OFFICER,
   AROOR POLICE STATION, REPRESENTED BY THE
   PUBLIC PROSECUTOR, HIGH COURT OF KERALA,ERNAKULAM.

2. THE STATION HOUSE OFFICER,
   KOCHI KASBA POLICE STATION, KOCHI,ERNAKULAM DIST.,
   REPRESENTED BY THE PUBLIC PROSECUTOR,
   HIGH COURT OF KERALA, ERNAKULAM.

BY BY PUBLIC PROSECUTOR SRI. S.U. NAZAR

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 24/10/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J

B.A.No.6478 of 2007

Dated this the 24th day of October, 2007

ORDER

Application for anticipatory bail. Petitioners are accused 4 and 5. They face allegations in a crime registered under Section 380 I.P.C. The crime was initially registered as Crime No.489 of 2007 of Kochi Kasba Police Station. Later realising that Crime No.295 of 2007 of Aroor Police Station has already been registered in respect of the same crime, the investigation was transferred to that police station. Investigation is now continuing in Crime 295 of 2007. Even before such transfer, the petitioners were enlarged on bail by the learned Magistrate at Kochi.

2. The petitioners have come to this Court apprehending that they may be arrested again in the crime by the police.

3. The learned Public Prosecutor on instructions submits that the petitioners having already been arrested in the crime, there is no question of the police attempting to arrest the petitioners once again in the investigation of Crime 295 of 2007. The apprehension is unjustified. There is no intention to arrest the petitioners at all, submits the learned Public Prosecutor .

4. However, the learned Public Prosecutor submits that the petitioners may be directed to appear before the Investigating Officer on one occasion, so that he can complete the investigation. The learned counsel for the petitioners does not raise any objection against the same, the learned Public Prosecutor having already undertaken that the petitioners shall not be arrested.

5. This application is, in these circumstances, dismissed as unnecessary. I record the request of the learned Public Prosecutor and the undertaking of the learned counsel for the petitioners that the petitioners shall appear before the Investigating Officer as and when directed by the Investigating Officer. The investigator shall be at liberty to issue notice under Section 160 Cr.P.C to ensure the presence of the petitioners before the Investigating Officer on one date. This can be done notwithstanding the fact that they have already been enlarged on bail.

(R.BASANT, JUDGE)

rtr/-